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5 Attorneys for Defendants

6 THE REGENTS OF THE UNIVERSITY OF
7 CALIFORNIA, ROBERT BIRGENEAU,
8 CONSTANCE PEPPERS CELAYA, ADAN
9 TEJADA, VICTORIA HARRISON, ALLAN
KOLLING, TOM KLATT and SUSAN VON
SEEBURG

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 CHRISTINE CHANG, individually and as
15 Guardian ad Litem for ERIC SUN,
disabled,

16 Plaintiff,

17 v.

18 ROCKRIDGE MANOR
19 CONDOMINIUM, et al.,

20 Defendants.

Case No. C-07-4005 EMC

**NOTICE OF MOTION/APPLICATION OF
DEFENDANTS THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, ROBERT
BIRGENEAU, CONSTANCE PEPPERS
CELAYA, ADAN TEJADA, VICTORIA
HARRISON, ALLAN KOLLING, TOM
KLATT AND SUSAN VON SEEBURG FOR
RELIEF FROM DEFAULT/OPPOSITION
TO MOTION FOR DEFAULT JUDGMENT
AND LEAVE TO FILE MOTION TO
DISMISS**

Date: November 28, 2007

Time: 10:30 a.m.

Courtroom: C

Judge: Magistrate Judge Edward M. Chen

24 TO PLAINTIFFS IN PROPRIA PERSONA:

25 PLEASE TAKE NOTICE that defendants THE REGENTS OF THE UNIVERSITY OF
26 CALIFORNIA, ROBERT BIRGENEAU, CONSTANCE PEPPERS CELAYA, ADAN
27 TEJADA, VICTORIA HARRISON, ALLAN KOLLING, TOM KLATT and SUSAN VON

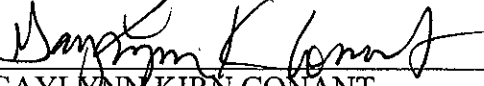
1 SEEBURG hereby move and will move the Court on the date, time and place set forth above for
2 relief from default pursuant to Federal Rule of Civil Procedure 55(c) and leave to file a motion to
3 dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or for a more definite statement
4 pursuant to Federal Rule of Civil Procedure 12(e) on the following grounds:

- 5 1. Mistake of fact on the part of some defendants as to service of process;
- 6 2. Defendants The Regents of the University of California, Constance Peppers Celaya,
7 Susan Von Seeberg, Tom Klatt and Adan Tehada were not properly served with Summons and
8 Complaint;
- 9 3. Absence of any prejudice to plaintiffs;
- 10 4. Absence of culpable conduct; and
- 11 5. Good and meritorious defense on the part of defendants.

12 This Motion is based on this Notice and Motion, the Memorandum of Points and
13 Authorities filed herewith, the declarations of Constance Peppers Celaya, GayLynn Kirm Conant,
14 Susan Von Seeberg, Tom Klatt, Adan Tehada and Jim Taylor, the pleadings and papers filed
15 herein, and on such other matters as may be brought to the attention of the Court and the parties at
16 or before the hearing on this Motion.

17 Dated: October 17, 2007

LOMBARDI, LOPER & CONANT, LLP

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19 By: 
20 GAYLYNN KIRM CONANT
21 Attorneys for Defendants
22 THE REGENTS OF THE UNIVERSITY
23 OF CALIFORNIA, ROBERT
24 BIRGENEAU, CONSTANCE PEPPERS
25 CELAYA, ADAN TEJADA, VICTORIA
26 HARRISON, ALLAN KOLLING, TOM
27 KLATT and SUSAN VON SEEBURG
28

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